



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA ELECTRONIC MAIL

Mr. Bob Stickell, President
The Washington Marina Co.
1300 Maine Avenue, SW
Washington, DC 20024
bstickell@washingtonmarina.com

RE: CWA Section 308 Information Requirement

Dear Mr. Stickell:

The United States Environmental Protection Agency (EPA) hereby requires that The Washington Marina Company (The Washington Marina) provide certain information regarding The Washington Marina Facility, located at 1300 Maine Avenue, SW Washington, D.C. 20024. EPA requires this information as a part of its investigation of The Washington Marina's compliance with the Clean Water Act (CWA), 33 U.S.C. § 1251, and the regulations promulgated thereunder. Specifically, EPA is requiring information concerning compliance with the National Pollution Discharge Elimination System permit issued to your facility.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Washington Marina is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that The Washington Marina asserts a claim of business confidentiality with respect to any document, The Washington Marina should provide EPA with a redacted version of the document which does not contain any claimed business confidential information, and which can be distributed to the public, if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to The Washington Marina.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

RE: CWA Section 308 Information Requirement

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that The Washington Marina may not have complete information at this time. In that case, The Washington Marina should provide a partial response within 30 days with all available information and a detailed explanation of the circumstances that prevent The Washington Marina from providing a complete response. The Washington Marina shall then submit a final response when complete information is accessible. If The Washington Marina submits a partial response, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Monica Crosby at (215) 814-5659 or at crosby.monica@epa.gov.

Sincerely,

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Joshua Rodriguez, DDOE (Joshua.Rodriguez@dc.gov)
Peter Gold, EPA (Gold.Peter@epa.gov)
Monica Crosby, EPA (Crosby.Monica@epa.gov)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

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Proceeding under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

The Washington Marina Co.
1300 Maine Avenue, SW
Washington, DC 20024

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INFORMATION REQUIREMENT

Respondent

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I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires The Washington Marina Co. (“The Washington Marina”, “Respondent”) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of

penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
5. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

6. Provide a separate narrative response for each question set forth below and for each subpart of each question.
7. Identify each answer with the corresponding number of the question and subpart to which it responds.
8. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
9. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
10. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
11. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
12. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of The Washington Marina Co. and authorized to respond on behalf of that entity.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that

there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.”

Signed: _____

Title: _____

Date: _____

13. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Monica Crosby
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
1650 Arch Street (3ED32)
Philadelphia, PA 19103-2029
Crosby.Monica@epa.gov

If you are unable to send requested documentation electronically, please contact Monica Crosby via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

14. If you have questions regarding this Information Requirement, you may contact Monica Crosby of the Enforcement and Compliance Assurance Division at Crosby.Monica@epa.gov or (215) 814-5659.

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

Facility: The Washington Marina Co.

15. Provide a narrative description of The Washington Marina Co., located at 1300 Main Avenue, SW Washington D.C.; operational processes; and water pollution control equipment. Include in your response a site map that includes all outfall locations.
16. Please provide documentation for all routine inspections conducted in 2018 and 2019, per section 3.1 of the National Pollution Discharge Elimination System permit issued to your facility, EPA’s Multi-Sector General Permit (MSGP). Additionally, document the procedures for performing routine facility inspections. Please include:
- a. The persons or positions of persons responsible for the inspections;
 - b. The schedules/frequency for conducted inspections; and
 - c. Specific items and areas covered by the inspections.

17. Describe the stormwater training that the Washington Marina provides for employed personnel as part of its employee training program.
18. Please outline the preventive measures and operation maintenance procedures that are carried out in order to remain compliant with the permit requirements of scrap and waste materials.
19. Please describe the control measures implemented to minimize contact of stormwater runoff with stockpiled materials, processed materials, and nonrecyclable wastes.
20. Please provide a copy of your current Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention Control and Countermeasure (SPCC) Plan.
21. Provide documentation of any alterations The Washington Marina has made to its design, or operation and maintenance that have significantly changed the nature of pollutants discharged in stormwater from the facility.
22. If applicable, please provide any correctional adjustments that were made to your SWPPP including:
 - a. The description of the condition triggering the need for corrective action review;
 - b. The date the condition was identified; and
 - c. A description of immediate acts taken to prevent the discharge of any pollutants.
23. Were quarterly visual assessments conducted in 2018 and 2019? Provide a copy of your 2019 quarterly visual assessments if they were conducted.
 - a. Have any changes been made to the SWPPP or your operational practices as a result of your quarterly visual assessments? If so, please describe these changes and provide any supporting documentation.
24. Was benchmark monitoring conducted in 2018 and 2019? Provide a copy of all benchmark monitoring conducted in 2018 and 2019. Please describe the actions that occur if the average results exceed the benchmark.
25. Were Annual Reports developed for 2018 and 2019? Provide a copy of your 2018 and 2019 Annual Reports, per section 7.5 of the MSGP.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: _____

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division